

Washington State Developmental Disabilities Council Public Policy Committee

Draft Minutes

October 17, 2013

This meeting was held at the Holiday Inn in Yakima.

Present: George Adams, Janet Adams, Helen Black, Sherrie Brown, Josh Cutler, Leo Finnegin, Avearyl Jacobson, and Laurene Rusing.
Absent: John Bresko, Mia Franklin, Mona Fuerstenau, DR-W, Patty McDonald, and Mark Westenhaver.
Guests: Chris Hardin.
Staff: Eva Rooks and David Maltman

Call to Order: Helen Black, the Committee's newly appointed Chair, called the meeting to order at 1:05 am. As a result of a change in staff assignments, David announced that he will provide the general support to the Chair in conducting the meetings and Donna will act as the subject matter expert on public policies.

After a roll call, no changes were made to the agenda. Josh Cutler made the motion to approve the minutes of the July 18, 2013 meeting. Leo Finnegan provided the second. There was no discussion and the motion passed unanimously without any abstentions.

Agenda Item: Public Policy Committee Work Plan 2014: After an explanation of State Plan activities, Avearyl Jacobson made the motion to approve the draft plan (Reading 13 PP 10). The second was made by George Adams and the motion passed unanimously without any abstentions.

Agenda Item: Issues Update:

Supported Decision Making: David informed the Committee that the DDC had created a Task Force on Supported Decision Making co-chaired by Diana Zottman and Chris Carnell from the Governor's Committee on Disability Issues and Employment. The group will identify and advocate for improved supports for decision making in line with the Reading 13 PP 09. Several of the policy improvements identified by the Task Force are listed as potential items for the DDC's Legislative Agenda List. No action by the Committee was necessary.

Response to the Audit of the DD System: Copies of the Secretary of State's Audit of the DD system had been provided to Committee Members. David reported on the recommendations of an Audit response sub-committee formed by the Governor's Office. The sub-committee's 7 recommendations for Legislation are attached to these minutes.

Legislative Agenda List: The Committee discussed the proposed Legislative Agenda List for 2014. After clarifying some language in the draft (13 PP 08), Leo Finnegan made the motion to approve the list with the changes made by the Members. George Adams provided a second to the motion and it was passed unanimously with Janet Adams and Avreayl abstaining. A copy of the list adopted by the Committee is included with these minutes.

Follow up: The resulting list of the DDC's 2014 Legislative Agenda is attached. The list will be placed on the January 24 agenda for a vote by the full DDC. If approved, the staff will produce a small pamphlet that lists and describes the DDC's Public Policy Agenda to be used for the 2014 Legislative Session.

Agenda Item: **Council Policy Update:** John Lemus provided background information and case histories to support the DDC adoption of a policy on the Rights of Parents having a DD and the supports they need to be successful in parenting. A draft policy (13 PP 13) was examined and the Committee requested that staff make changes to be considered by the Committee at the January 23 meeting. The Committee wanted to keep the discussion going. Consequently, the time to provide input to the staff on the draft policy was extended until November 21, 2013. John Lemus will provide data about parents with DD who are impacted by this policy to be incorporated into the policy's findings. No other action was necessary.

Agenda Item: **Update on Federal Policy:** David provided the Committee with an update on actions at the Federal level that impact people with DD. He distributed and discussed a handout that is included to these minutes. No other action was necessary.

Agenda Item: **Emerging Issues/Public Comment:**
David reported on the September 26 and 27 Managed **DD Long Term Services and Supports forum** co-sponsored by the DDC and the Arc of Washington. The forum, attended by 75 policy makers, advocates, State agency representatives, representatives of unions, and others, focused on the experience of three other States in planning, implementing, and administering managed care for DD services. Information about the forum is posted on the DDC's website.

Legislative Conference Calls: Input provided by the Committee Members resulted in setting the day and time for the DDC's Legislative Conference Calls for Fridays at noon. During the session a brief email message will be sent during the week to highlight Legislative action and announce hearing dates. The conference calls will be adjusted to match the pace of the Legislative Session. The first conference call will be on January 31, 2014.

David reminded the Members that the **2014 Legislative Reception** held at the Capitol Building in the Columbia Room will be on Wednesday, January 22.

In addition to updates on activities, the agenda for the January 23rd meeting will include further discussion of the DDC Policy on the Rights and Supports for Parents having a DD.

Council Report: Helen prepared the Committee report to the full Council meeting on October 24th.

The meeting was adjourned at 3:48 p.m.

DDC Legislative Agenda for the 2014 Legislative Session

COMMITTEE PROCESS: *In October, the Public Policy Committee adopted this list of Public Policy Issues for the DDC's Legislative Agenda. The list is placed on the January 24 agenda for a vote by the full DDC. If approved, the staff will produce a small pamphlet that lists and describes the DDC's Public Policy Agenda to be used for the 2014 Legislative Session.*

DDC leads on:

- Focusing on No Paid Services Caseload and funds for unserved;
- Expanding crisis stabilization and community respite services;
- Addressing the Individual and Family Supports Program;
- Initiating Family and Peer Support;
- Supporting Investigators in Residential Community Services;
- Addressing issues in the State Auditor's report on the DD System;
- Allowing family caregivers to be treated the same as parent caregivers;
- Providing more than one service a day;
- Promoting Time limited case management in cases of neglect;
- Reforming Respite Care; and making
- Other System Reform Issues as they are identified;

DDC supports other organization's lead on:

- Increasing Supported Living Worker's Wages;
- Addressing Abuse and Neglect Investigations (H1574);
- Restoring funding for the Long Term Care Ombudsman;
- Acting on Supported Decision Making proposals;
- Improving Medicaid Personal Care;
- Addressing recommendations of the Aging and Disabilities Task Force;
- Advocating for funding for transportation; and
- Ensuring the rights of people with psychiatric disabilities.

Public Policy Committee
Federal Policy Update
 October 17, 2013

General Climate and Congressional Actions

As of Friday, October 11, the debt ceiling hangs over our heads and the government remains shut down.

Congress has one key duty in the Constitution to pass spending bills that fund the government. If it doesn't, most functions of government grind to a halt. This shutdown is the first since late 1995 that lasted 21 days.

What is the stalemate? House Republicans insist any new spending bill include provisions to defund, derail or otherwise chip away at Obamacare. Senate Democrats are just as insistent that it doesn't. The Patient Protection and Affordable Care Act (ACA), the actual name of the law, requires all Americans to have health insurance. Opponents say the law will hurt employers and amounts to overreach by the federal government.

The Democrats say the ACA will expand access to health care and help rein in the rising costs of coverage. Obamacare prevents those with pre-existing medical conditions from being denied health insurance, and those who have health insurance will no longer have to indirectly pay for those who don't and show up in emergency rooms uninsured.

Will a shutdown kill Obamacare? No. Most of the money for Obamacare comes from new taxes and fees, as well as from cost cuts to other programs like Medicare and other types of funding that will continue despite the government shutdown.

How did we get in this uncompromising political situation?

1. The national parties and congressional leaders have less control over their rank-and-file than they used to. And there's one basic reason why: money – campaign money and no more ear-marks for pet projects.
2. There are fewer competitive congressional districts due in large part to sophisticated gerrymandering and geographical self-sorting with Democrats living in Democratic areas and Republicans living in Republican areas.
3. The changing media landscape has made it easier for the political parties to dig in. If you tune into one cable news channel, you're likely to see a completely different reality of this shutdown/debt ceiling story than if you watched a different cable channel.
4. Over the last 50 years, there has been a geographic/demographic realignment in our politics. In general, it is recognized that the Democratic Party is comprised of multi-racial voters based primarily in urban areas and the Republican Party is comprised mainly of white voters based in the South and rural America.

The **economic impact of the shutdown** is likely to be at least 10 times greater than the simple calculation of lost wages of federal workers. It has been estimated that the three to four-week shutdown has cost the economy about \$55 billion. Some services, like Social Security, air traffic control and active military pay, continue to be funded. Oh, Congress and the President still get paid. The mail will continue to come. The military will continue to fight. Social Security checks will continue to be paid.

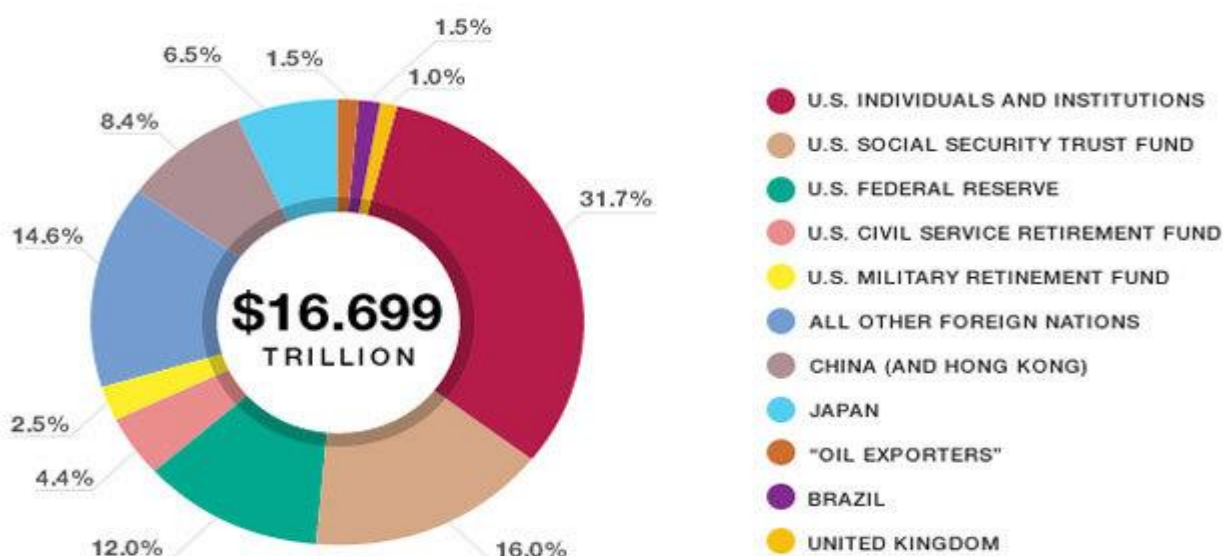
What is the debt ceiling? The debt ceiling is a cap set by Congress on how much the government can borrow in order to pay the legal obligations that Congress and presidents of both parties have made in the past. These obligations include [Social Security](#), [Medicare benefits](#), military salaries, interest on the national debt, and tax refunds.

Have you ever maxed out your credit card? [That's what the debt limit is all about.](#) The U.S. is on the verge of maxing out its \$16.699 trillion credit card. And the president must ask Congress to raise the country's credit limit.

The major credit rating agencies have said they might consider the U.S. in default if it fails to pay its bills, and many economists have warned that there could be a major slowdown to the economy, with job losses alongside a rise in interest rates affecting a range of products from credit cards to home mortgages. Other fears are that foreign investment in U.S. Treasuries would dry up.

Who holds the US debt?

Source: US Treasury Department



Bills of Interest:

HR 1601: The Supplemental Security Income Restoration Act of 2013 was introduced by Representative Raul Grijalva [AZ-3]. It has 12 co-sponsors. On 4/17/2013 HR 1601 was referred to the House Committee on Ways and Means. HR 1601 would:

- Amend title XVI (Supplemental Security Income) (SSI) of the Social Security Act (SSA) to increase SSI payments from \$240 to \$1,320 a month;
- create a method to increase monthly payments for inflation every year after 2015
- and exclude the first amount of general income per year in determining SSI program eligibility;
- increase from \$780 to \$4,284 including for a blind or disabled individual or spouse under age 65 the amount an individual could earn (Income limits);
- increase the resource limit (savings) for couples from \$3,000 to \$15,000 in calendar year 2015 (increased for inflation) and from \$2,000 to \$10,000 in calendar year 2015 for individuals without a spouse;
- prescribe an inflation adjustment in benefits in any calendar year after 2015;
- remove support and maintenance furnished in kind from determination of unearned income; and
- repeal the administrative penalty which renders individuals (and spouses) ineligible for SSI for a certain period of time if after the look-back date (usually 36 months preceding their application for SSI) they dispose of their resources for less than market value.

S.1356: The Workforce Investment Act of 2013 sponsored by [Senator Murray, Patty](#) [D-WA] to create better alignment of government programs at the national level that are focused on employment and independent living for people with disabilities and to reauthorize the Rehabilitation Act, including vocational rehabilitation (VR) programs. The WIA reauthorization passed the HELP committee by an 18-3 vote, and will now be considered by the full Senate.

The bill requires state VR agencies, in conjunction with local educational agencies, to make "pre-employment transition services" available to students with disabilities.

One part of Title V, Section 511, has stirred considerable controversy among disability advocacy groups. This section includes provisions that allow VR programs to consider a case successfully closed by placement in a sheltered workshop, but creates a number of requirements VR agencies must follow in order to demonstrate that competitive employment options were exhausted before the sheltered workshop placement.

ADULT 07

Draft Legislative Recommendations from Adult Abuse Response Subcommittee

Recommendation #1

Problem statement: Adult Protective Services (APS) caseloads consist of complex, time-intensive investigations, forcing a concentration of resources on the investigative and provision of services aspects for immediate protection remedies. APS does not have funding for case management activities for stabilizing and sustaining the victim's health and safety in the community living environment, crucial in preventing recidivism.

Recommendation: The Subcommittee endorses the 2010 report recommendation to institute time-limited case management based on a person-centered risk assessment and safety plan (time-limited case management moving forward as a budget decision package to address response to self-abuse/neglect).

Recommendation #2

Problem statement: Criteria that must be met to substantiate incidents of abuse, neglect and exploitation are defined in statute and all elements must be met to substantiate. This may be a barrier to protecting vulnerable adults.

Recommendation: Explore whether revisions to the definitions would result in substantiations that meet a "reasonable person" standard.

Recommendation #3

Problem statement: When an allegation is substantiated, the perpetrator is placed on the adult abuse registry for life, which does not recognize the broad diversity in severity and frequency of the abuse.

Recommendation: Allow the punishment to fit the crime for the perpetrator – varying degrees of consequences for different degrees of abuse/some neglect/exploitation for APS and RCPP. From the 2010 report, reconsider the permanency of names on the abuse registry; create a range of disqualifying timelines.

Recommendation #4

Problem statement: There are limited strategies and resources to assist an alleged victim of abuse, neglect or exploitation. Victims should be approached and supported in a way that recognizes and addresses the trauma associated with the incident(s).

Recommendation: Clarify DSHS response to abuse/neglect includes addressing trauma recovery in addition to providing for safety. Identify budget proposal to see what it would take to expand/provide this, particularly for people not receiving case

management. Provide training and technical assistance to case managers and providers on trauma-informed care.

Recommendation #5

Problem statement: Currently DSHS is unable to levy civil fines for all certified and licensed care settings. Allowing DSHS and DOH to level fines may deter providers and caregivers from committing any type of abuse.

Recommendation: Provide DSHS and DOH authority to levy civil fines and set conditions (such as stop placements in the specific setting) for all certified and licensed settings including SOLAs and RHCs.

Recommendation #6

Problem statement: The Department receives reports of alleged abuse, neglect and exploitation of people with significant disabilities who do not meet the definition of 'vulnerable adult'. The Department does not have authority to investigate the allegations in these instances.

Recommendation: Explore the possibility of expanding the definition of 'vulnerable adult' to include adults living in the community under the age of 60 with cognitive disabilities or functional impairments, such as, but not limited to, people with Traumatic Brain Injury and Multiple Sclerosis.

Recommendation #7

Problem statement: The Department is unable to respond in a timely manner to the increased numbers and complexity of reports of abuse/neglect.

Recommendation: The Department should continue to request and the Legislature should provide adequate resources, taking into account population growth and caseload growth, to fund investigations, quality assurance and intake in RCS and APS of abuse/neglect reports.

